

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6322

In Re: WAYMARE BILLUPS,

Petitioner.

On Petition for Writ of Mandamus.
(CA-03-948-5)

Submitted: April 29, 2004

Decided: May 6, 2004

Before LUTTIG, WILLIAMS, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Waymare Billups, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Waymare Billups has filed a petition for writ of mandamus seeking removal of a detainer filed by the State of Maryland. Mandamus relief is available only when the petitioner has a clear right to the relief sought. See In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Mandamus may not be used as a substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). Further, mandamus relief is only available when there are no other means by which the relief sought could be granted. In re Beard, 811 F.2d 818, 826 (4th Cir. 1987).

Billups has not shown that the relief sought is not available by other means. Accordingly, although we grant Billups's motion to proceed in forma pauperis, we deny the petition for writ of mandamus and deny Billups's motions for appointment of counsel and to dismiss his detainer. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED